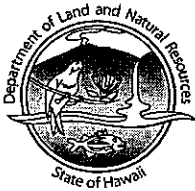


NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committee on
WATER, LAND & OCEAN RESOURCES**

**Monday, February 13, 2012
9:00 A.M.
State Capitol, Conference Room 325**

**In consideration of
HOUSE BILL 2423
RELATING TO THE KAAPALI AQUATIC RECREATIONAL PARK**

House Bill 2423 proposes to require the Department of Land and Natural Resources (Department) to establish and administer an aquatic recreational park pilot program in Kaanapali on the Island of Maui. The Department does not support this measure.

The Department has established ten Ocean Recreation Management Areas (ORMA) statewide for the purpose of reducing conflicts among ocean water users, especially in areas of high activity. Kaanapali, on the Island of Maui, is currently included in the West Maui ORMA. Within this ORMA, there are designated swim areas, commercial use areas, as well as ingress/egress corridors for accessing Kaanapali Beach.

Also, according to the Ninth Circuit Court of Appeals, commercially documented vessels cannot be prohibited from transiting the navigable waters of the State. The State can place reasonable restrictions on these vessels that may include no wake zones, designated swim zones, etc. The Department does not believe it has the authority to close certain geographical areas of the near shore water to motorized vessels.